

HOUSE BILL 303
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 38,
Title 68 and Title 71, relative to the reporting of
death under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by
adding the following as a new section:

§ 71-6-123.

(a)

(1) Any person or official who is required to report cases of suspected
abuse, neglect or exploitation of adults under the provisions of this part and who
has reasonable cause to suspect that an adult has died as a result of abuse or
neglect shall report that fact to the appropriate medical examiner.

(2)

(A) In all cases of the death of a long-term care facility resident or
a hospice facility resident, the long-term care facility or the hospice facility
shall immediately report the death to the appropriate medical examiner.

(B) The report is required regardless of whether the facility
believes the death to be from natural causes or the result of abuse or
neglect or any other cause.

(3)

(A) In all cases of the death of an individual in a hospital who was
a resident of a long-term care facility within five (5) days of entering the

hospital, the hospital shall immediately report the death to the appropriate medical examiner.

(B) The report is required regardless of whether the hospital believes the death to be from natural causes or the result of abuse or neglect or any other cause.

(b)

(1) The medical examiner shall accept the report for investigation and, upon finding reasonable cause to suspect that an adult has died as a result of abuse or neglect, shall report the findings to the police and the appropriate prosecuting attorney.

(2) If the institution making the report is a hospital or nursing home, the medical examiner shall report the findings to the hospital or nursing home unless the findings are part of a pending or ongoing law enforcement investigation.

(c) The medical examiner or hospital shall also report the findings to the department of human services when:

(1) Reasonable cause exists to believe the death resulted from the abuse or neglect of an adult; or

(2) There is a pending investigation concerning allegations of abuse or neglect occurring prior to death, upon request of the department.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.